

**GENERAL ADMINISTRATION MANUAL**

**VOLUME 1: CORPORATE POLICIES - GENERAL**

**TITLE: DIRECTIVE ON POST-EMPLOYMENT RESTRICTIONS**

**EFFECTIVE:** April 01, 1996

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***1 SCOPE***

**1.1 Authority**

1.1.1 This directive is issued pursuant to Subsection 4[3] of the Financial Administration Act.

It has been reviewed and approved by Management Board on January 18, 1996 [MBM#96-02-03] and can be revised only with the approval of Management Board.

**1.2 Application**

1.2.1 This directive applies to all departments as defined by the Financial Administration Act.

1.2.2 This directive applies in addition to and notwithstanding any provisions in the Contracting Directive.

**1.3 Purpose and Principles**

1.3.1 The purpose of this directive is to establish the restrictions that apply when departments are contracting with, or providing benefits to, any former employee of the Government of Yukon.

**1.4 Definitions**

1.4.2 "Benefit" means financial assistance by way of grants, loans, guarantees, subsidies or contributions. It does not include benefits awarded, approved or granted on conditions that are the same for the general public or a broad class of persons.

1.4.1 "Contract" means an agreement between a contracting authority and a contractor to provide a good, perform a service, construct a public work, or to lease real property, for consideration. It does not include employment contracts or appointments to a position under the Public Service Act, the Education Act or the Cabinet and Caucus Employees Act.

- 1.4.3 "Former employee" means a person formerly employed under the Public Service Act, the Education Act, or Part 1 of the Cabinet and Caucus Employees Act, including casuals, contract employees and deputy heads.
- 1.4.4 "Inside information" means information of a specific or technical nature relating to the contract or benefit that has been acquired as a result of the duties of a position and is not available to the public. It does not include knowledge or skill of a general nature acquired or enhanced through practical experience and employment with the Yukon Government.

## **2 ROLES AND RESPONSIBILITIES**

### **2.1 Departments/Contracting Authorities**

- 2.1.1 Departments and contracting authorities are not to contract with, or provide a benefit to, a former employee during the six-month period following his/her leaving government, where:
- \* The former employee has used inside information to obtain the contract or will likely use it to perform the contract;
  - \* The former employee has participated in, or exerted influence over, the development of the contract or benefit; or
  - \* The former employee has been involved in program or administrative decisions that resulted in the contract or benefit.
- 2.1.2 Departments and contracting authorities are not to contract with, or provide a benefit to, a corporation or other entity controlled by a former employee or of which a former employee is a partner or director during the six-month period following the former employee's leaving government, where any of the conditions outlined in 2.1.1 apply.
- 2.1.3 In accordance with Section 23 of the Financial Administration Act, contracts that contravene these provisions may be declared void.

### **2.2 Public Service Commissioner**

- 2.2.1 When a contracting authority or former employee is uncertain about the application of this directive, he/she can make a request to the Public Service Commissioner or designate, who will make every reasonable effort to provide advice or a determination in response to the request within five working days.
- 2.2.2 When a request is received from a person formerly employed under Part 1 of the Cabinet and Caucus Employees Act, or about such a person, the Public Service Commissioner or designate may refer the request to Members' Services Board.

### **2.3 Management Board**

- 2.3.1 Management Board may waive the requirements of this directive in cases where it is in the public interest.